

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID A. MAPLES,

Plaintiff,

Case No. 06-14775

v.

District Judge Bernard A. Friedman  
Magistrate Judge R. Steven Whalen

COUNTY OF MACOMB, et al.,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION TO APPOINT COUNSEL**

Before the Court is this *pro se* Plaintiff's motion to appoint counsel [Docket #8].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6<sup>th</sup> Cir. 1993), the Sixth Circuit noted that "[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances." (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been decided. A motion for summary judgment is presently pending [Docket #9]. At this point,

Plaintiff's motion to appoint counsel is premature. If Plaintiff's claims ultimately survive dispositive motions, he may renew his motion for appointment of counsel at that time.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's motion for appointment of counsel [Docket #8] is **DENIED WITHOUT PREJUDICE**.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: January 31, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on January 31, 2007.

S/G. Wilson  
Judicial Assistant